Page 1 of 12

INTERNET FORM NLRB-502 (3-96)

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

DO NOT WRITE IN THIS SPACE Date Filed 4/6/2007

(3-96) NATIONAL DATOR (CENTRAL)		1 20!!!_	-/1/1	1 4	/6/200/
PETITION		20-UD-	ion in which	the emplo	yer concerned
PETITION TRUCTIONS: Submit an original and 4 copies of this Petition TRUCTIONS: Submit an original and 4 copies of this Petition TRUCTIONS: Submit an original for any one item, attach	jon to the M.R Medicant sh	us nagronal condition accordi	ngly.		
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you have checked box RC in 1 above, check and complete EIT	HER RAM /8 0	y /g, Wiswiston to Spr		and Em	ployer declined
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ddress, Telephone No. and Telecopler No. (Fax) 5 Polk Sreet, Second floor, San Francisco, CA 94102 /	Phone 415-5	52-1303 Fax 415-552-130 you have checked box UD in 1	shows show	here the dat	of execution of
5 Polk Sreet, Second Hour, Said Flank (Month, Day, Year) Expiration Date of Current Contract. If any (Month, Day, Year)	10. If	you have checked box ULI in 1 ment granting union shop (Mon	th. Day, and	Year) 01/0	1/2006
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FORM NLRB-877 (4-84)

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

Covenant Aviation Security, LLC

Employer

and

Stephen J. Burke, Jr.

Petitioner

and Service Employees International Union Local 1877

Union

CASE NO.: 20-UD-447

AFFIDAVIT OF SERVICE OF Petition and Notice of Hearing

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that I served the above-entitled document(s) by regular mail and/or facsimile upon the following persons, addressed to them at the following addresses:

Covenant Aviation Security, LLC 245 South Spruce Avenue South San Francisco, CA 94080 F (650)635-7449

Service Employees International Union Local 1877 45 Polk Street, 2nd Floor San Francisco, CA 94102 F (415)552-1307

Mr. Stephen J. Burke, Jr. Vice President United Screeners Association, Local One 3661 Fleetwood Drive San Bruno, CA 94066

Peters Shorthand Reporting (via facsimile)

Subscribed and sworn to before me	DESIGNATED AGENT
	/s/ Wendell L. Choo
this 6 th day of April, 2007.	NATIONAL LABOR RELATIONS BOARD

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 20

Covenant Aviation Security, LLC

Employer

and

Stephen J. Burke, Jr.

Petitioner

Case 20-UD-445

and

Service Employees International Union,

Local 790

Union

and

Covenant Aviation Security, LLC

Employer

and

Stephen J. Burke, Jr.

Petitioner

Case 20-UD-447

and

Service Employees International Union, Local 1877

Union

ORDER TO SHOW CAUSE

In conducting the investigation preparatory to direction of an election in this matter, I received a request from the Employer to conduct the vote by mail ballot. Petitioner has indicated that he too prefers a mail ballot. Service Employees International Union, Local 790 has not responded to the Region's request for its opinion about the better manner in which to conduct the election.

The Employer bases its request on a change in the size of its employee complement subsequent to earlier elections that Region 20 conducted among employees in the bargaining unit. The Employer asserts that this change will make it much more difficult for

Filed 05/31/2007

employees to vote during their working hours. The Employer also noted that the earlier elections were conducted in a secure area of San Francisco International Airport (SFO) that then was essentially vacant, and that this area may no longer be available. Petitioner added that because employees work varied schedules in terms of days per week, hours per day, and start times, a mail ballot may well yield higher participation rate than a manual election.

Twice before, in Case 20-RC-17896, Region 20 conducted a manual ballot election involving employees in the bargaining unit that will vote in this matter. Each of those elections was conducted at a single location at SFO, yet required six Board agents at each of four polling sessions that lasted up to 3.5 hours in length, a total commitment of more than 100 agenthours if one accounts for travel and related chores. This effort to span as many voters' working hours as possible nevertheless posed problems, in part because on any single day only a portion of bargaining unit employees is scheduled to work, and additionally because employees work in several separate terminals. These difficulties no doubt accounted, at least in part, for the fact that during the February 2004 election, only 74% of eligible employees cast votes, and during the May 2005 election, 62% of eligible employees voted.

In these circumstances, I am inclined to approve the preference expressed by the Employer and Petitioner for a mail ballot election in this matter, because it seems likely to overcome the difficulties that they have noted and to result in a higher participation rate by employees who are eligible to vote. ACCORDINGLY, I HEREBY ORDER that any Party hereto show written cause, with supporting documentation, as to why I should not direct that the balloting in this matter be conducted by mail. To be considered, such cause must be submitted to me by the close of business on May 8, 2007.

Dated at San Francisco, California, this 1st day of May 2007.



s/Joseph P. Norelli

Joseph P. Nørelli, Regional Director National Labor Relations Board, Region 20 901 Market Street, Suite 400 San Francisco, Ca 94103

INTERNET FORM NATO-502	
(3- 94)	

TICHAL LABOR RELATIONS BOARD

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BOARD EXHIBIT 3

FORM NLR8-877 (4-84)

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

Covenant Aviation Security, LLC

Employer

and

Stephen J. Burke, Jr.

Petitioner

Service Employees International Union Local 790

Union

CASE NO.: 20-UD-447

AFFIDAVIT OF SERVICE OF First Amended Petition

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that I served the above-entitled document by facsimile upon the following persons:

Covenant Aviation Security, LLC

F (650)635-7449

Ed Warshauer

Service Employees International Union Local

790

F (415)431-6241

Mr. Stephen J. Burke, Jr.

Vice President

United Screeners Association, Local One

F (650)452-1271

Anthony S. Graefe, Esq. Graefe & Hansen, Ltd.

F (312)236-5517

Glenn M. Taubmann, Esq.

National Right to Work Legal Defense

Foundation, Inc. F (703)321-9319 William A. Sokol, Esq.

Weinberg, Roger & Rosenfeld

F (510)337-1023

Subscribed and sworn to before me

DESIGNATED AGENT

/s/ Wendell L. Choo

this 2nd day of May, 2007.

NATIONAL LABOR RELATIONS BOARD

1	VINCENT A. HARRINGTON, JR., Bar No. 0711 WEINBERG, ROGER & ROSENFELD	19		
2	A Professional Corporation 1001 Marina Village Parkway, Suite 200	•		
3	Alameda, California 94501-1091 Telephone 510.337.1001			
4	Fax 510.337.1023		•	, ,
5	Attorneys for SEIU Locals 790 and 1877			*
6.				
7		•		b
8	UNITED STATE	S OF AMER	ICA	
9	NATIONAL LABOR I	RELATIONS	BOARD	
10	REGIO	ON 20		•
11	Covenant Aviation Security, LLC,	Case No.	20-UD-445	
12	Employer,			
13	and			
14	Stephen J. Burke, Jr.,			
15	Petitioner,	i grafija (m. 1945). 1940 - Primar Parker, primar (m. 1945). 1941 - Primar (m. 1945).		
16	and			
17	Service Employees International Union,) Local 790,)		
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20	Covenant Aviation Security, LLC,	Case No.	20-UD-447	
21	Employer,))		
22	and))	e e	
23	Stephen J. Burke, Jr.,))		
24	Petitioner,))		
25	and)	. ′	
26	Service Employees International Union, Local 1877,)		
27	Union.)		
28 ROGER &	CALLVA!)		
FELD I Corporation Hage Parkway 200			BOARD EXHIBIT 4	,

Service Employees International Union, Local 790, and Service Employees International Union, Local 1877, by counsel, hereby respond to the Board's Order to Show Cause regarding the method for conduct of any election on one or more of the above-referenced de-authorization petitions. SEIU Locals 790 and 1877, jointly, take the position that the Labor Board is proceeding unlawfully, and in excess of its authority by conducting any election on either of these petitions, for all the reasons set forth by the Regional Director in his March 23, 2006 decision dismissing the petition filed in Case No. 20-UD-445. In light of the fact that the Board is proceeding in excess of its authority, and in violation of the National Labor Relations Act, SEIU Local 790 and 1877 decline to respond to the Order to Show Cause:

Dated: May 8, 2007

WEINBERG, ROGER & ROSENFELD A Professional Corporation

s/Vincent A. Harrington, Jr.

By:

VINCENT A. HARRINGTON, JR. Attorneys for SEIU Locals 790 and 1877

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PROOF OF SERVICE (C.C.P. § 1013)

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I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On May 9,

2007, I served upon the following parties in this action:

Anthony S. Graefe Graefe & Hansen, Ltd. 55 West Monroe Street, Suite 3550 Chicago, IL 60603

Stephen Burke 3661 Fleetwood Drive San Bruno, CA 94066

Covenant Aviation Security, LLC 245 South Spruce Avenue South San Francisco, CA 94080

copies of the document(s) described as:

Response to Order to Show Cause

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BY MAIL I placed a true copy of each document listed herein in a sealed envelope, X addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

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BY PERSONAL SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

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BY OVERNIGHT DELIVERY SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

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> BY FACSIMILE I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

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I certify under penalty of perjury that the above is true and correct. Executed at Alameda,

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California, on May 9, 2007.

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s/Mary Piro

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Mary Piro

WEINBERG, ROGER & ROSENFELD

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NATIONAL LABOR RELATIONS BOARD

Region 20

901 Market Street, Suite 400 San Francisco, California 94103 Telephone: 415/356-5152 FAX: 415/356-5156 Website: www.nlrb.gov

Page 10 of 12

May 9, 2007

Covenant Aviation Security LLC 245 South Spruce Avenue South San Francisco, CA 94080-4520

Mr. Stephen J. Burke, Jr. 3661 Fleetwood Drive San Bruno, CA 94066

Ed Warshauer, Business Representative Service Employees International Union, Local 790 1390 Market Street, Suite 118 San Francisco, CA 94102

Re: Covenant Aviation Security, LLC Case 20-UD-447 Anthony S. Graefe, Esq. Graefe & Hansen, Ltd. 55 West Monroe, Suite 3550 Chicago, IL 60603

Jeff Michaelson, Representative 3661 Fleetwood Drive San Bruno, CA 94066

Vincent A. Harrington, Esq. Weinberg Roger & Rosenfeld 1001 Marina Village Parkway, Ste. 200 Alameda, CA 94501

Gentlepersons:

On the basis of Region 20's investigation in the above-referenced matter, it appears appropriate now to conduct a secret-ballot election to determine whether bargaining unit employees of the Employer, Covenant Aviation Security, LLC, wish to withdraw the authority of Service Employees International Union, Local 790, under its agreement with Covenant, to require that employees make certain lawful payments to the Union in order to retain their jobs.

Accordingly, pursuant to Section 9(e)(1) of the National Labor Relations Act, as amended, and Section 102.85 of the Board's *Rules and Regulations*, Region 20 will conduct an election by secret ballot as described in the Notice of Election enclosed with this letter. I have decided that the voting will be conducted by mail for the following reasons.

The Employer advised that there has been a significant change in the size of its employee complement subsequent to earlier elections that Region 20 conducted among employees in the bargaining unit. The Employer asserted that this change would make it much more difficult for employees to vote during their working hours. The Employer also noted that the earlier elections were conducted in a secure area of San Francisco International Airport (SFO) that then was essentially vacant, and that this area may no longer be available. Petitioner added that because employees work varied schedules in terms of days per week, hours per day, and start times, a mail ballot might well yield higher participation rate than a manual election.

Twice before, in Case 20-RC-17896, Region 20 conducted a manual ballot election involving employees in the bargaining unit that will vote in this matter. Each of those elections was conducted at a single location at SFO, yet required six Board agents at each of four polling sessions that lasted up to 3.5 hours in length, a total commitment of more than 100 agent-hours if one accounts for travel and related chores. This effort to span as many voters' working hours as possible nevertheless posed problems, in part because on any single day only a portion of bargaining unit employees is scheduled to work, and additionally because employees work in several separate terminals. These difficulties no doubt accounted, at least in part, for the fact that during the February 2004 election, only 74% of eligible employees cast votes, and during the May 2005 election, 62% of eligible employees voted.

A mail ballot seems likely to overcome the difficulties noted above, and hence to result in a higher participation rate by employees who are eligible to vote. The Employer absolutely favors a mail ballot. Petitioner indicated that unless polling sessions were scheduled over at least three days, a feat that would prove daunting for some of the aforementioned reasons, he prefers a mail to a manual ballot. Although asked for its opinion on this question by means of an *Order to Show Cause*, SEIU Local 790 submitted no position. Accordingly, I have determined that because it seems likely to result in a higher voter participation rate, to prove less disruptive to the Employer's operation at SFO and to employees' work schedules, and to conserve resources, this election will be conducted by mail.

In order to ensure that eligible voters who exercise their statutory right to vote may have an opportunity to be informed about related issues, all parties to the election must have access to a list of such voters and their addresses. Excelsior Underwear, Inc., 156 NLRB 1236; NLRB v. Wyman-Gordon Co., 394 U.S. 759. Accordingly, I direct the Employer to submit to me by May 16, 2007, a clearly legible list that sets forth the names and addresses of all eligible voters. I shall, in turn, make that list available to the other parties to the election. No extension of time to file this list may be granted except in extraordinary circumstances. Failure to comply with this requirement shall provide the ground to set aside the election if a proper objection is timely filed. The Employer should alphabetize the names of the eligible voters, and if at all possible should submit mailing labels for the employees whom it lists.

The Employer must post the enclosed Notice of Election in a conspicuous place or places that are easily accessible to the employees involved. Pursuant to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notice at least three (3) full working days prior to 12:01 a.m. on the day of the election. In this matter, because ballots will be mailed on Monday, June 4, 2007, and the Board has defined working days to exclude Saturdays, Sundays and holidays, the Employer must post the Notice no later than Tuesday, May 29, 2007.

If you have any questions, please contact this Regional Office at the telephone number above.

Very truly yours, s/Joseph P. Norelli

Joseph P. Norelli Regional Director

Enclosures: Affidavit of Posting and 20 Notices of Election

INSTRUCTIONS TO ELIGIBLE EMPLOYEES VOTING BY UNITED STATES MAIL

Union:

Service Employees International Union, Local 790

Case 20-UD-447

VOTING UNIT

CT IGIBLE TO VOTE:
All full-time and regular part-time Baggage Handlers, Screeners, Lead Screeners, CTX All full-time and regular part-time Baggage Handlers, Screeners, Lead Screeners, CTX Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Operators, CTX 9000 Specialists, and CTX 1000 Sp

NOT ELIGIBLE TO VOTE: All other employees, office clerical employees, managerial employees, and supervisors as defined by the Act.

TIME AND PLACE OF ELECTION

The election will be conducted by U.S. Mail for all eligible voters, under the direction and supervision of the Regional Director. The ballots will be mailed from the Regional Office of the Office on June 4, 2007, and must be received back in this Regional Office of the National Labor Relations Board by no later than 5:00 p.m. on June 18, 2007.

If you believe that you are an eligible voter and do not receive a ballot in the mail by June 7, 2007, communicate immediately with the Regional Director, 901 Market Stroot, Stilte 400. San Francisco, California, (415) 356-5188.

the ballots will be commingled and counted at 10:00 a.m. on June 19, 2007, in the Regional Office, Courtroom A, 901 Market Street, Sulta 400, San Francisco, California

	UNITED STATES OF AMERICA National Labor Relations Board
OF	FIGIAL SECRET BALLOT
	For certain employees of COVENANT AVIATION SETTEMENT, LLC
to comuica	th to withdraw the authority of your bargaining representative under its agreement with the Employer, that employees make outpayments to the Union in order to retain their jobs?
M.	ARK AN "X" IN THE SQUARE OF YOUR CHOICE
	YES NO